

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:05CV170**

**THE CINCINNATI INSURANCE COMPANY,)
)
Plaintiff)
)
v.)
)
DRY-WALL CAROLINAS, INC., BETTY)
CARVER, and TERRIE C. CAISON in her)
capacity as the Personal Representative of the)
Estate of Tommy L. Carver,)
)
Defendants.)**

ORDER

**TERRIE C. CAISON in her capacity)
as the Personal Representative of the)
Estate of Tommy L. Carver,)
)
Counter-Plaintiff,)
)
v.)
)
THE CINCINNATI INSURANCE COMPANY,)
)
Counter-Defendant.)**

THIS MATTER IS BEFORE THE COURT on Plaintiff's "...Motion for Summary Judgment..." (Document No. 18) filed October 25, 2006, with respect to its affirmative claims against Defendants Dry-Wall Carolinas and Betty Carver, Plaintiff's "...Memorandum of Law..." (Document No. 19) filed in support thereof, and "Plaintiff's Status Report" (Document No. 29) filed February 9, 2007. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and the pending motion is now ripe for disposition.

Having fully considered the arguments, the record and the applicable authority, as well as Defendants' failure to file a response to the motion, the Court will grant Plaintiff's motion. Furthermore, Defendants' counsel has reportedly indicated to Plaintiff's counsel, as well as to the undersigned's staff, that the motion is unopposed. The undersigned is of the opinion that under these facts and circumstances, the Motion for Summary Judgment is well taken and that there are no remaining issues of material fact.

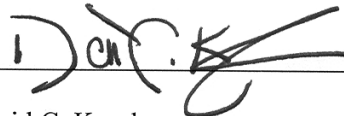
IT IS, THEREFORE, ORDERED that Plaintiff's "...Motion for Summary Judgment..." against Defendants Dry-Wall Carolinas, Inc. and Betty Carver is **GRANTED**.

IT IS FURTHER ORDERED that judgment is hereby entered against Dry-Wall Carolinas, Inc. and Betty Carver, jointly and severally, in the amount of \$422,338.62.

IT IS FURTHER ORDERED that the cost of this action will be taxed against Dry-Wall Carolinas, Inc. and Betty Carver, for which execution may issue if necessary.

SO ORDERED.

Signed: February 21, 2007



David C. Keesler
United States Magistrate Judge

